

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Nallur, et al.

Serial No.:

10/623,683

Filed:

July 21, 2003

For:

Seamless Transition Between Trick Modes

Group Art Unit:

2623

Examiner:

Montoya, Oschta

Docket No.:

A-8378 (191920-1850)

**REMARKS IN SUPPORT OF
PRE-APPEAL BRIEF CONFERENCE**

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Sir:

Applicant submits the following remarks in support of a Request for Pre-Appeal Brief Conference.

REMARKS

Applicant respectfully submits that the rejections of the claims in the outstanding final Office Action (mailed July 25, 2008, Paper No. 20080705) are clearly factual error. Applicant presents a summary of these errors in this section, then provides further detail below.

One instance of clear error is the contention that a decoder using a sequence header to decode a stream is the same as using information provided by a video decoder is to identify a first video picture to be decoded. Another instance of clear error is the contention that receiving a trick mode stream and performing indexing is the same as a second video stream configured to enable a seamless transition to trick-mode operation. Yet another instance of clear error is the contention that a picture header and/or sequence header is the same as a stuffing transport packet comprising a time value corresponding to the current video picture. Still another instance

of clear error is the contention that a transport stream formatted command is the same as a stuffing transport packet.

1. Rejection of Claims 1-14 and 16-40 under §102(b): *Moeller et al.* (U.S. 5,828,370)

a. Independent Claim 1

Moeller et al. fails to teach “using information provided by a video decoder to identify a first video picture to be decoded”. Applicant agrees that *Moeller et al.* teaches “the sequence header includes important information about the video sequence which is required by the decoder before the sequence can be displayed” (Col. 3, lines 21-23). Applicant also assumes (for the sake of argument) that “a decoder is needed in order to process a MPEG stream” (Office Action, p. 3). However, the conclusion drawn in the Office Action from these premises – that these two teachings are equivalent to the claimed feature “using information provided by a video decoder to identify a first video picture to be decoded” – is clear error. A teaching that a decoder uses a sequence header to “process” a stream or even to decode a stream is not the same as the specific feature recited in claim 1, namely that information provided by a video decoder is used to identify a first video picture to be decoded.

b. Independent Claim 21

Moeller et al. fails to teach “receiving from the video server a second video stream configured to enable a seamless transition to the trick-mode operation.” The Office Action (Response to Arguments section, p. 2) contends that this feature corresponds to the teaching in *Moeller et al.* that “the server outputs normal play streams and trick play streams in order to enable a seamless transition to the trick-play operation (Col. 3, lines 34-51 and Col. 11, lines 1-50)”. This characterization of *Moeller et al.* is clear error for the following reasons.

These portions of *Moeller et al.* simply describe what a trick mode stream is and disclose that video-on-demand systems “require methods for indexing between the normal play stream and the trick play streams, as well as for indexing between the trick play stream. In other

words....a mechanism is needed for the video server to switch from the normal mode play stream to the appropriate point of frame in the fast forward stream”. (*Moeller et al.*, Col. 3, lines 50-60.) However, neither receiving a trick mode stream nor the mere existence of an indexing method is the same as the specific feature recited in claim 21: “a second video stream configured to enable a seamless transition to the trick-mode operation”.

Moeller et al. also discusses index lookup tables: “the index look-up tables for the trick play streams also allow the multimedia server 50 to transfer to and between equivalent positions of streams having different presentation rates, i.e., between normal play and trick play streams” (Col. 3, lines 34-51). However, even assuming (for the sake of argument) that the index look-up tables correspond to a video stream which is “configured to enable a seamless transition to the trick-mode operation”, *Moeller et al.* does not teach that the index look-up table is **received from the video server** as recited in claim 21.

c. Independent Claims 28 and 35

Although Applicant believes claims 28 and 35 are patentably distinct, the clear errors in rejecting similar elements in these claims are presented together here to facilitate review. *Moeller et al.* fails to teach “parsing a stuffing transport packet (STP) to extract a time value corresponding to the current video picture” (claim 28) or “a video decoder in communication with the processor, and that is configured to...parse a stuffing transport packet (STP) to extract a time value corresponding to the current video picture” (claim 35). The Office Action (Response to Arguments, p. 2) appears to contend that a picture header and/or sequence header (*Moeller et al.*, Col. 3, lines 5-10 and 29-32) corresponds to a “stuffing transport packet (STP) comprising a time value corresponding to the current video picture”. This is clear error for the following reasons.

First, a sequence header is not a transport packet, much less a “stuffing transport packet” – the interpretation used in the Office Action does not appear to give patentable weight

to these words used in the claim. Second, claims 28 and 35 do not recite a time value in general, but a time value “corresponding to the current video picture”, where the current picture is the one decoded (“decoding a current video picture”). Thus, claims 28 and 35 include extracting a time value in conjunction with decoding. In contrast, *Moeller et al.* describes analyzing presentation timestamps within sequence headers, but not in conjunction with decoding. Therefore, even assuming (for the sake of argument) that presentation timestamps and sequence headers properly correspond to the individual claim elements “time value” and “sequence header”, the elements in *Moeller et al.* are not arranged as required by claims 28 and 35.

2. Rejection of Claim 42 under §102: *Demas et al.* (U.S. Pub. No. 2003/0093800)

Demas et al. fails to teach at least “parsing a stuffing transport packet (STP) to extract a time value corresponding to the decoded picture”. The Office Action (p. 13) appears to allege that a “TS formatted command packet” in para. 0069 of *Demas et al.* corresponds to the “stuffing transport packet (STP)” recited in claim 42. This is clear error for the following reasons.

Applicant admits that a person of ordinary skill in the art understands a “transport packet” to be the same as a “TS packet”. However, the modifier “stuffing” has a different meaning than the modifier “command” – the interpretation used in the Office Action does not appear to give patentable weight to this modifier. Furthermore, the cited portion of *Demas et al.* does not disclose “extracting a time value”. That portion of *Demas et al.* does disclose “calculating an entry point picture”, but this is clearly not equivalent to “extracting a time value”.

CONCLUSION

Favorable reconsideration and allowance, or the re-opening of prosecution on the merits, of the present application and claims 1-40 and 42 is hereby courteously requested.

Respectfully submitted,

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